

HOUSE BILL 126

N1

2lr1104

By: **Delegates Beidle, Niemann, and Weir**
Introduced and read first time: January 23, 2012
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 28, 2012

CHAPTER _____

1 AN ACT concerning

2 **Maryland Condominium Act – Right of Entry to Investigate Damage and**
3 **Make Repairs**

4 FOR the purpose of authorizing the council of unit owners of a condominium or its
5 authorized designee to enter units to investigate damage under certain
6 circumstances; ~~repealing a certain restriction on the right of a council of unit~~
7 ~~owners or its designee to enter a unit~~; requiring a council of unit owners to
8 make a reasonable effort to give notice to the owner of a unit to be entered for
9 the purpose of investigation except under certain circumstances; making
10 stylistic changes; and generally relating to the right of a council of unit owners
11 to enter a unit to investigate damage and make repairs.

12 BY repealing and reenacting, with amendments,
13 Article – Real Property
14 Section 11–125(e)
15 Annotated Code of Maryland
16 (2010 Replacement Volume and 2011 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Real Property**

20 11–125.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (e) **(1)** The council of unit owners or its authorized designee shall have an
2 irrevocable right and an easement to enter units to **INVESTIGATE DAMAGE OR** make
3 repairs ~~when the **INVESTIGATION OR** repairs~~ reasonably appear necessary for public
4 safety or to prevent damage to other portions of the condominium~~].~~

5 **(2)** Except in cases involving manifest danger to public safety or
6 property, the council of unit owners shall make a reasonable effort to give notice to the
7 owner of any unit to be entered for the purpose of **INVESTIGATION OR** repair.

8 **(3)** If damage is inflicted on the common elements or any unit through
9 which access is taken, the council of unit owners is liable for the prompt repair.

10 **(4)** An entry by the council of unit owners for the purposes specified in
11 this subsection may not be considered a trespass.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.